

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND**

**RUSSIAN RESEARCH CENTER
THE KURCHATOV INSTITUTE,**

Plaintiff,

v.

WESTERN SERVICES CORP., et al.,

**Defendants and
Third-Party Plaintiff,**

v.

GSE SYSTEMS, INC.

**Third-Party
Defendants.**

Case No.: AMD 02-3878

**MOTION OF WESTERN SERVICES CORP. TO SEAL EXHIBIT 5 TO
ITS MEMORANDUM IN SUPPORT OF ITS MOTION
TO PRESERVE THE CONFIDENTIAL DESIGNATION OF
RICHARD D. CLARK'S REPORT**

Defendant/third-party plaintiff Western Services Corporation ("Western"), through undersigned counsel, respectfully moves the Court to seal Exhibit 5 to its Memorandum in Support of its Motion to Preserve the Confidential Designation of Richard D. Clark's Report ("Exhibit 5"). Exhibit 5 is a Letter dated August 12, 2003 from Francis J. Gorman, Esq., counsel for third-party defendant GSE Systems, Inc. ("GSE"), to Ann Sagerson, Esq., counsel for Western.

The requested sealing is justified because Exhibit 5 has been designated by GSE as “Confidential” under the Protective Order of Confidentiality entered by this Court on June 4, 2003. The Protective Order of Confidentiality is designed to protect the parties’ trade secrets or other confidential research, development, or commercial information from public disclosure and requires the parties to file a motion to seal any document submitted to the Court which contains materials designated “Confidential.” Thus, any alternative to sealing the Report would fail to provide the protection for confidential information contemplated by the Protective Order of Confidentiality.

Western inadvertently filed Exhibit 5 on December 8, 2003, in conjunction with the electronic filing of its Motion to Preserve the Confidential Designation of Richard D. Clark’s Report. As soon as counsel became aware of this error, she contacted the docketing clerk for this case who temporarily reset the link to Exhibit 5 (which is attachment #6 to docket #89) so that it can only be accessed by Court users, not counsel or PACER users. Other than this inadvertent filing, which was quickly remedied, Exhibit 5 has not been disclosed by Western to anyone other than a “Qualified Person” under the Protective Order of Confidentiality.

A Proposed Order Sealing Exhibit 5 is submitted.

For the foregoing reasons, Western Services Corporation respectfully requests that Exhibit 5 to its Memorandum be sealed.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Seal Exhibit 5 of the Memorandum in Support of the Motion to Preserve the Confidential Designation of Richard D. Clark's Report was served electronically on the following on December 11, 2003:

John M.G. Murphy, Esq.
Ober, Kaler, Grimes & Shriver, P.C.
120 East Baltimore Street
Baltimore, MD 21202

Francis J. Gorman, Esq.
Gorman & Williams
Two North Charles Street
Suite 750
Baltimore, MD 21201

/s/

Ann N. Sagerson